

**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-110-2012-0005-CX

CASEFILE/PROJECT NUMBER: COC74695

PROJECT NAME: Renewal of Water Pipeline System ROW

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado
T. 2 N., R. 96 W.,
sec. 18, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 19, SE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$;
sec. 20, W $\frac{1}{2}$ SE $\frac{1}{4}$;
sec. 29, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 30, lots 7 and 8, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
sec. 31, N $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 32, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
sec. 33, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

APPLICANT: Koch Exploration Company, LLC

DESCRIPTION OF PROPOSED ACTION: Koch Exploration Company, LLC (Koch) has submitted an application for renewal of right-of-way (ROW) COC74695, which authorizes a water pipeline system. The water pipeline system serves the Ant Hill Unit and the on-unit produced water is disposed of in the WRD 29-33 disposal well. ROW COC74695 was issued on July 26, 1991. The ROW is 41,620 feet (7.88 miles) long, 35 to 50 feet wide, and contains approximately 34.74 acres (see Exhibit A).

No additional disturbance is authorized by this action, and all applicable terms and conditions of the original ROW grant shall be carried forward and remain in full force and effect.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) the following plan:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Language: “To make public lands available for the siting of public and private facilities through the issuance of applicable land use authorizations, in a manner that provides for reasonable protection of other resource values.”

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, E9: “*Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.*”

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by either the bureau of office.		X
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		X
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations		X

Extraordinary Circumstance	YES	NO
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 10/25/2011. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	10/28/2011
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	11/29/2011
Zoe Miller	Ecologist	Special Status Plant Species	11/8/2011

REMARKS:

Cultural Resources: The pipeline system has been inventoried at the Class III (100 percent pedestrian) level (Barclay 1999, compliance dated 11/22/1999; 2001, compliance dated 8/14/2001; Bott 2009, compliance dated 2/23/2009; Conner 1995, compliance dated 1/19/1995; McDonald 1998a, compliance dated 10/5/1998; 1998b, compliance dated 11/31/1998; Scott 1999a, compliance dated 4/28/1999; 1999b, compliance dated 4/28/1999; and 2000, compliance dated 8/18/2000) and any sites that were potentially impacted have been avoided or otherwise mitigated as part of the initial construction. Renewing the right-of-way has no new physical impacts on the sites in the area that haven't already occurred as a result of construction of the system. Any new impacts related to maintenance or modification of the system would have to be analyzed on a case by case basis.

Native American Religious Concerns: No Native American religious concerns are known in the area, and none have been noted by Northern Ute tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

Paleontological resources: The pipeline system is located in an area generally mapped as the Wasatch Formation (Tweto 1979) which the BLM WRFO has classified as a PFYC 5 formation, meaning it is known to produce scientifically noteworthy fossil resources (c.f., Armstrong and Wolny 1989). The pipeline was monitored for fossil resources during construction with appropriate data recovery as necessary. The renewal of the right-of-way will not result in any new impacts to paleontological resources. Any maintenance or modification will need to be analyzed on a case by case basis to determine appropriate mitigation measures.

Special Status Wildlife Species: There are no special status animal species that are known to inhabit or derive important use from the project area nor are there any wildlife-related issues or concerns with the Proposed Action.

Special Status Plant Species: There are no special status plant species concerns associated with the Proposed Action.

REFERENCES CITED:

Armstrong, Harley j. and David G. Wolny

- 1989 Paleontological Resources of Northwest Colorado: A Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado.

Barclay, Dulaney

- 1999 Tom Brown, Inc., WRD Federal 31-34 to RMNG Pipeline Class III Cultural Resource Inventory, Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (99-54-06: SHPO #RB.LM.R396)
- 2001 Tom Brown, Inc., White River Dome Gathering System Class III Cultural Resource Inventory, Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (01-54-17: SHPO #RB.LM.R449)

Bott, Tracy

- 2009 Eden Energy Colorado LLC: A Class III Cultural Resources Inventory of the Ant Hill Unit (AHU) 33-11 Well and Access road in Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (09-54-07: SHPO #RB.LM.NR2021)

Conner, Carl E.

- 1995 Cultural Resource Inventory report on the Proposed Pipeline Segment Between the B-25 and 2M Well Locations in Rio Blanco County, Colorado for GASCO, Inc. Grand River Institute, Grand Junction, Colorado. (95-11-01: RB.LM.NR839)

McDonald, Kae

- 1998a Addendum to: Tome Brown, Inc., WRD Unit 29-32, Class III Cultural Resource Inventory, Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (98-54-13: SHPO #RB.LM.NR1023)

- 1998b Tom Brown, Inc., WRD Unit 29-333 Well Pad and Access Road, Class III Cultural Resource inventory, Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (98-54-18: SHPO #RB.LM.NR1035)

Scott, John M.

- 1999a Tom Brown, Inc., WRD 20-31 and WRD 20-33 Well Pads, Class III Cultural Resource Inventory, Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (99-54-01: SHPO #)
- 1999b Tom Brown, Inc., Alternate Access Corridors for the WRD Unit 20-31 Well Pad, Class III Cultural Resource Inventory, Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (99-54-02: SHPO #RB.LM.R374)
- 2000 Tom Brown, Inc., Amine Plant and Pipeline, Class III cultural Resource Inventory Rio Blanco County, Colorado. (00-54-12: SHPO #RB.LM.R417)

Tweto, Ogden

- 1979 Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

MITIGATION:

1. All applicable terms, conditions, and stipulations contained in original ROW grant COC52847 and any amendments shall be carried forward and remain in full force and effect.
2. At least 90 days prior to termination of the right-of-way, the holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. The inspection will result in the development of an acceptable termination and rehabilitation plan submitted by the holder. This plan shall include, but is not limited to, removal of facilities, drainage structures, and surface material; recontouring; topsoiling; or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.
3. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
4. Any proposal involving additional surface disturbance outside of the authorized right-of-way requires an application to the BLM for analysis and authorization. New stipulations for construction would be applied to projects subject to the regulations and policies existing at the time of authorization.
5. The holder shall monitor all disturbed and reclaimed areas through final abandonment for the presence of invasive, non-native, and/or noxious plant species. The applicant will be responsible for eradication of noxious weeds that occur on site using materials and methods approved in advance by the Authorized Officer.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The holder will be notified of compliance related issues, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

NAME OF PREPARER: Stacey Burke

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E9. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:


Field Manager

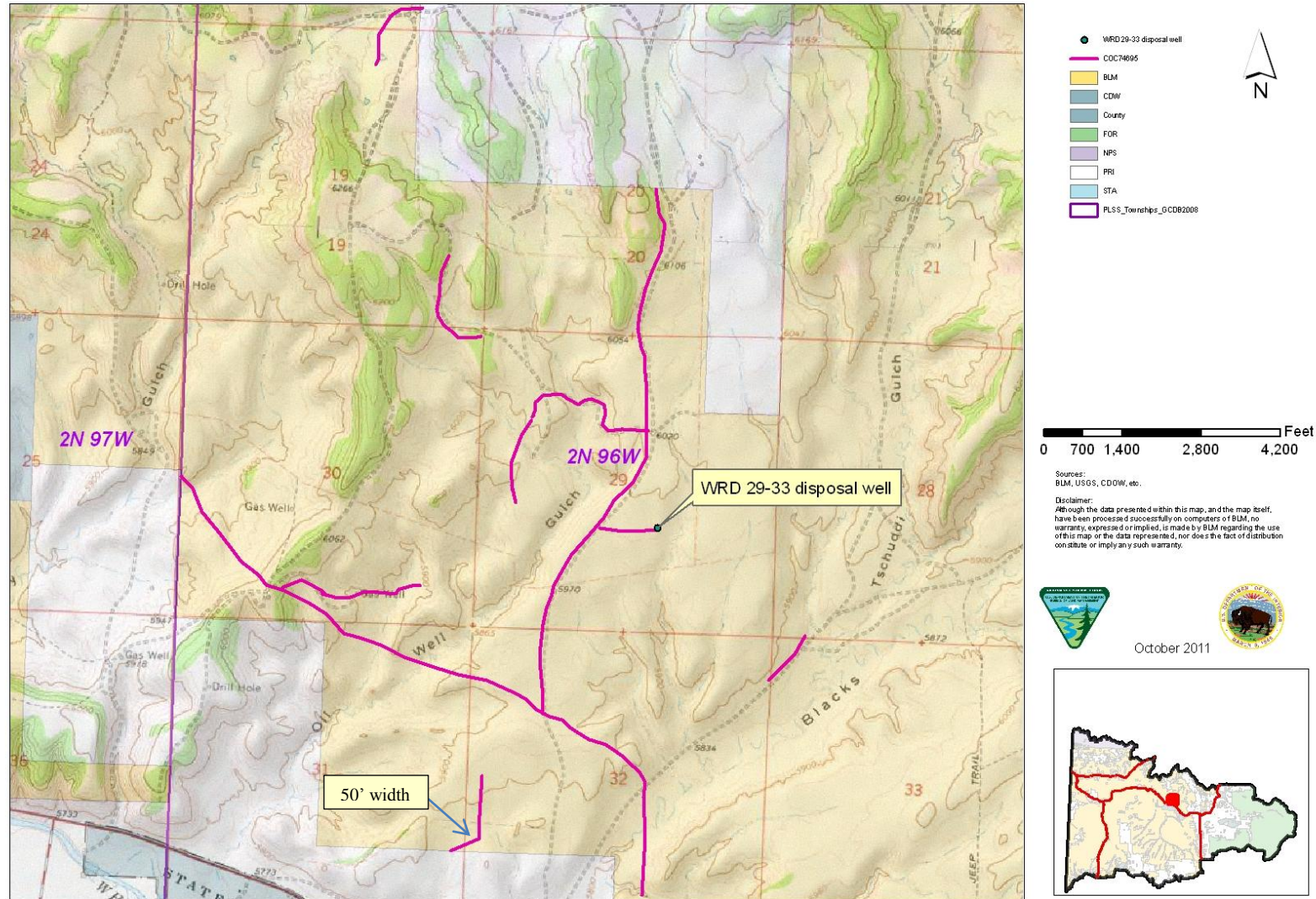
DATE SIGNED:

02/07/2012

ATTACHMENTS: Exhibit A: Map of Proposed Action

Renewal of Water Pipeline System ROW COC74695 T. 2 N., R. 96 W.

EXHIBIT A



**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

DECISION RECORD

PROJECT NAME: Renewal of Water Pipeline System ROW

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-2012-0005-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2012-0005-CX, authorizing the renewal of right-of-way COC74695 for continuing operation and maintenance of a water pipeline system.

Mitigation Measures

1. All applicable terms, conditions, and stipulations contained in original ROW grant COC52847 and any amendments shall be carried forward and remain in full force and effect.
2. At least 90 days prior to termination of the right-of-way, the holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. The inspection will result in the development of an acceptable termination and rehabilitation plan submitted by the holder. This plan shall include, but is not limited to, removal of facilities, drainage structures, and surface material; recontouring; topsoiling; or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.
3. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
4. Any proposal involving additional surface disturbance outside of the authorized right-of-way requires an application to the BLM for analysis and authorization. New stipulations for construction would be applied to projects subject to the regulations and policies existing at the time of authorization.
5. The holder shall monitor all disturbed and reclaimed areas through final abandonment for the presence of invasive, non-native, and/or noxious plant species. The applicant will be responsible for eradication of noxious weeds that occur on site using materials and methods approved in advance by the Authorized Officer.

COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

PUBLIC INVOLVEMENT

The BLM informed the public about this project by listing it on the online WRFO NEPA Register and a copy of the completed Categorical Exclusion will be posted on the WRFO website.

RATIONALE

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E9. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

ADMINISTRATIVE REMEDIES

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

SIGNATURE OF AUTHORIZED OFFICIAL:


Field Manager

DATE SIGNED: 02/07/2012